

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 1-2, 5-13 and 16-26 are now pending in this application. Claims 1, 10 and 23 are independent. Claims 4-5 have been cancelled. Claims 1, 5, 9, 10, 16 and 23 have been amended.

Reconsideration of this application, as amended, is respectfully requested.

Rejection Under 35 U.S.C. § 102

Claims 1-2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Rasaat. This rejection is respectfully traversed.

The limitations of claim 4 have been incorporated into independent claim 1. Therefore, this rejection has been rendered moot.

Rejections Under 35 U.S.C. § 103

Claims 4-5 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rasaat in view of Hennessey et al. Claims 6-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rasaat in view of Lu. Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rasaat in view of Lu and further in view of Hennessey et al. Claims 10-13 and

21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rasaat in view of Lu. Claims 15-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rasaat in view of Lu and further in view of Hennessey et al. Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rasaat in view of Pollard. Claims 23-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pollard. These rejections are respectfully traversed.

The Examiner takes official notice at least ten times in the rejections under 35 U.S.C. § 103(a). In accordance with MPEP 2144.03, "official notice" should only be used under limited circumstances and judiciously applied.

Applicants respectfully assert that the Examiner is not using "official notice" in a judicious manner. For example, in rejecting Applicants' claims 23, 25 and 26, the Examiner takes official notice that it "is notoriously well known in the art for receiver of one vehicle to receiver information from a transmitter of another vehicle or roadway transmitter (smart cars)." Further, the Examiner takes official notice that it "is notoriously well known for information display systems of vehicles to display various graphical features, for example, numbers and exclamation points." Further, the Examiner takes official notice that it "is notoriously well known in the art that a display system for vehicle operator can be a head mounted display system to display traffic information in visual and/or audio form."

Almost any element, when considered in isolation, is a well known structure. However, Applicants have recited specific combinations of features in their claims, and it is respectfully submitted that such features are not notoriously well known when applied in the combinations, as recited in the claims. In accordance with MPEP 2144.03(c), Applicants challenge the Examiner's officially noticed structures. Therefore, the Examiner must support the findings with adequate evidence. Moreover, the evidence should provide a motivation or teaching to one of ordinary skill in the relevant art to include the various structures in combinations as recited in the claims.

Each of the independent claims recite that the image is a stripe or linear pattern extending in a horizontal direction. Applicants appreciate that the Examiner has provided Webster's definition of a strip as a line or a long narrow section differing in color or texture. Rasaat's Figure 5 shows "06530!". It is respectfully submitted that this expression is not a line or long narrow section differing in color or texture. Moreover, this expression would not constitute a "pattern," as claimed. It is respectfully submitted that the expression "06530!" does not form any recognizable pattern, moreover it does not form a linear pattern extending in a horizontal direction.

Each of the independent claims, as presently amended, further recites that a "width of said image in said horizontal direction is determined so that an angle formed between two lines extending from a point in said central field to both ends of said image becomes at least 20°." The Examiner has relied on

Hennessey et al. as a teaching reference. The Examiner calls Applicants attention to column 1, lines 60-67. Therein, Hennessey et al. state that in the background art, information is displayed "within" the field of vision and within 30 degrees of the central field of vision. Hennessey et al. state that this position of the display has drawbacks which reduces the ability of the operator to pilot the vehicle and which is more visually demanding.

The present invention is distinct from the discussion of Hennessey et al. as found in column 1, lines 60-67. In the present invention, the image is displayed in the "peripheral field" surrounding the central field. This is exactly opposite to what is discussed in column 1, lines 60-67 which state that the information is displayed generally within the central field of vision.

The Examiner also points to Hennessey et al. at column 3, lines 38-50. Thereat, Hennessey et al. state that the image is most preferably displayed in the peripheral field of view, and is displayed "outside" 30 degrees from the forward field of view of the user. In other words, Hennessey et al. is stating that the image would be displayed on the right or left side of the central field of view.

Applicants independent claims state that the image is being displayed in the peripheral field surrounding the central field of view. Further, the image has a width in the horizontal direction which is determined so that an angle formed between two lines extending from a point in said central field to both "ends" of said image becomes at least 20 degrees. In other words, the image

would be located either above or below the central field of view and would extend over at least 20 degrees from the center in the field. Again, this is opposite to what is taught by Hennessey et al. Hennessey et al. states that the image is "outside" the central 30 degrees of the forward field of view of the user. In the present invention, the image is inside at least 20 degrees of the field of view of the user.

For the reasons as stated above, reconsideration and withdrawal of these rejections are respectfully requested.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn.

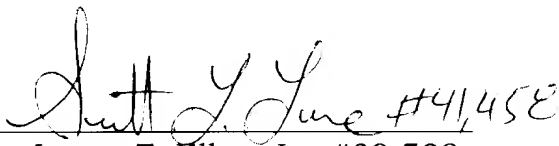
It is believed that a full and complete response has been made to the Office Action, and as such, the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mr. Scott L. Lowe (Reg. No. 41,458) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASH & BIRCH, LLP

By  #41,458
James T. Eller, Jr., #39,538

P.O. Box 747
Falls Church, VA 22032-0747
(703) 205-8000

JTE/SLL:lmh